

Confidentiality/Minor Consent Laws

For Educational Purposes Only

PARENT/GUARDIAN CONSENT EXCEPTIONS

A parent or legal guardian must provide consent on behalf of a minor (under age 18) before health care services are provided, with **several important exceptions**.

- **Emergency care**
- **Care for independent minors**
 - Age 16 or older, living apart from parents *and* managing their own financial affairs; OR legally married; OR minors who are prosecuted as an adult in the justice system and confined to a correctional institution (except for abortion and sterilization procedures)
- **Specific health care services related to:**
 - ☒ Sexual health
 - ☒ Mental health
 - ☒ Substance use treatment

Patients under 18 have the right to the following WITHOUT parent/guardian consent:

- Pregnancy testing, birth control information, and contraceptives only if:
 - minor is married, pregnant, or a parent OR
 - a physician determines probable health hazards would occur if services are not provided
- Medical and surgical care related to pregnancy
- Emergency contraception
- Testing and treatment for sexually transmitted infections/STIs (including HIV)
- Substance abuse treatment, including alcohol or drugs
- Outpatient mental health services (age 13 and above) if:
 - Treatment may not exceed 2 visits during a 1-week period
 - Does not include mental health medications and some types of therapy

MINORS NEED A PARENT/GUARDIAN'S PERMISSION FOR:

- Vaccines (including HPV)
- Mental health medications
- Pre-exposure prophylaxis (PreP)
 - Private practitioners (not federally/state funded) can prescribe without parental consent at their discretion
- Abortions (unless judicial bypass waiver is obtained)

HEALTH CARE PROVIDERS MUST OVERRIDE THE MINOR'S CONFIDENTIALITY AND REPORT IF:

- The minor is a risk to themselves or someone else
- There is suspicion of abuse or neglect
- Sexual activity occurred that was nonconsensual, without equality, or as a result of coercion
- The minor is under age 16 and has been sexually active with an adult over the age of 24

NEW LAW FOR PELVIC EXAMINATIONS:

Under new legislation as of July 1, 2020, a provider must obtain written consent from the patient or their guardian to perform any pelvic examination unless:

- By court orders the performance of an examination OR
- Is immediately necessary to avoid serious

For services that minors can consent to (e.g. STD testing and treatment), minors can consent to a pelvic examination themselves, without needing a parent/guardian signature.